

## **Remarks/Arguments**

### Priority

The Examiner states that Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. §120. Specifically, the Examiner states that the first sentence of the specification lacks the required priority statement.

Applicant filed a preliminary amendment on October 3, 2001 amending the first sentence of the specification to properly claim priority under 35 U.S.C. §120 to U.S. National Application number 08/850,127 filed May 1, 1997 and to Provisional Application number 60/017,016 filed May 3, 1996. A copy of the filed preliminary amendment, along with a copy of the stamped postcard indicating its receipt by the Patent and Trademark Office, is attached as Exhibit A. Applicant thus submits that the present application is in condition to claim priority to these applications.

### Claim Objections

Applicant submits that the objection to claim 5 levied by the Examiner is now moot in light of its cancellation.

The Examiner has also rejected claims 3, 7 and 10 on the basis that they depend from a rejected base claim. The Examiner has indicated that these claims would be in condition for allowance if they were rewritten in independent form, incorporating all the elements and limitations of the base claim and any intervening claims.

Applicant has rewritten these claims in independent form, as suggested by the Examiner, and has incorporated all the elements and limitation of previously pending claim 4, now

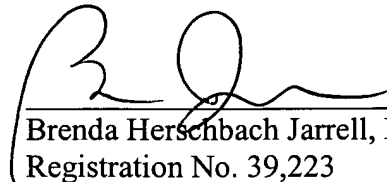
canceled, from which they previously depended. Thus, Applicant submits that claims 3, 7 and 10 as currently amended are in condition for allowance.

Rejections under 35 U.S.C. §102

The Examiner has rejected claims 2, 4-6, 8 and 9 under 35 U.S.C. §102(e) as being anticipated by Pomerantz et al. (U.S. Patent No. 6,326,166). Applicant disagrees with this rejection, and asserts that Pomerantz et al. does not anticipate these claims. Nonetheless, Applicant has canceled these claims, for the sole purpose of putting the present application in condition for allowance. The rejection of these claims is now moot. The elements and limitations of canceled claim 4 have been incorporated into claims 3, 7 and 10, which have been amended and written to be independent claims, placing them in condition for allowance.

In light of these Remarks and Amendments, Applicant respectfully submits that the present case is in condition for allowance. A Notice to that effect is respectfully requested. Please charge any applicable fees associated with this filing, or apply any credits, to our Deposit Account No. 03-1721.

Respectfully Submitted,

  
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Dated: 3/23/2005